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The Advocate

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Dean Calabresi Discusses Four Types of Constitution

by Ken Brothers

Guido Calabresi, Dean of Yale's law school, discussed four different types of constitutions at the NLC on Friday morning. Using the recent debate between Justice Brennan and Attorney General Meese as a springboard for his topic, Calabresi observed that Meese and other commentators, like Judge Bork or Professors Hart and Ely, frequently invoke the language of Justice Black to justify an interpretivist approach to the Constitution. Black, for whom Calabresi clerked, believed that the courts had no right to read meanings into the Constitution that were not intended, but that enumerated rights should be broadly construed. Calabresi said that, while some might think conservatives invoking Black to be a "paradox," such concerns were the product of "a simplistic reduction of Constitutional thought."

The debate over the proper approach is not new, Calabresi said, for the application of certain doctrines had been considered by the Supreme Court years ago. For example, the incorporation of the right to control your body has only recently been construed as a fundamental right. Substitute the right to contract without government control as a fundamental right, Calabresi said, and you have the same kind of question raised by the now-repudiated Lochner doctrine. He suggested that there is little difference between the effect of the two lines of decisions.

The starting point of any analysis is most important, said Calabresi. We must first ask to what entitlements are we entitled under the Constitution; but just as importantly, we must ask to whom do we rely to protect those rights? With this groundwork laid, Calabresi presented his four approaches to the Constitution.

First and foremost is the "Madisonian Constitution," which recognizes that courts will be bulwarks to protect the rights of the people. When rights conflict, courts decide which right is higher, but do not create new rights. Calabresi suggested that Meese, Bork and Brennan all approach the Constitution in this manner, but only differ on the number of rights involved.

The second approach Calabresi termed an "anti-discrimination/scapegoatism Constitution," in which fundamental rights found in the text are administered by the legislature. Courts are called upon only to prevent certain groups from being excluded from the legislative process. Calabresi said that, under this model, groups satisfying the "discrete and insular minorities" test might still be able to defend their rights in the rough-and-tumble of the political arena.

This approach would also justify asymmetrical judgments, for if the group has no power, the courts may order preferential treatment. The weakest point of this theory is finding a textual basis; while broad language like "equal protection," "cruel and unusual punishment" and the establishment clause may invite such a theory, there is little protection against judicial abuse. Calabresi also failed to answer why, if this approach is valid, does Justice Brennan pretend he is following the Madisonian method in his decisions.

Calabresi termed the third approach to the Constitution "Bickellian," after Professor Bickel. Bickel's writing emphasizes the passive role of courts. Legislatures must decide issues directly instead of passing them off to anonymous agencies. Since the legislature has the right to codify public morals, if the laws passed are equally enforced upon all, then the function of the law is legitimate. Calabresi sided with his mentor's dissent to the Court striking down a law prohibiting married couples from using contraception: the law might be "silly," but since it is applied to all, it is not unconstitutional.

Calabresi's last model is "Majoritarian," based on England's theory of constitutional law where fundamental rights are defined by the people or their representatives and protected by the ordinary political process. The fear that courts will exploit some rights over others is more than sufficient to overcome the hastiness and hiding that Bickel criticized.

Our constitution, Calabresi concluded, is a combination of the first three models. He faulted the debate between Brennan and Meese as erroneously focusing on the number of rights included in the Constitution, not the approach. Accordingly, courts and commentators ought to allot an increased awareness to both process and product, not one or the other.

Calabresi had been scheduled to speak on Thursday, but when heavy snows delayed his train and forced G.W. to close at noon, his speech had to be postponed.

NLC Procedures on Academic Dishonesty

Do We Need an Honor Code?

by Celia Ockey
and Ken Brothers

Accusations of cheating during Professor Kenneth Germain's tort exam last semester have resulted in the acquittals of two first year students, but has raised question about the procedures governing academic dishonesty at the NLC. Based on a student's written accusation, Germain had filed a formal charge against the students who were served after their last exam, but after a ten day investigation, dismissed the charges of cheating. Nonetheless, Germain decided that the student was "academically incompetent" and deducted several points from the final score of one of the students.

Many students question the administration's handling of the affair. Some students believe the matter was improperly dismissed, but others wonder about the propriety of a professor deducting points after a student has been exonerated of a charge of cheating. "Does this mean that every student who talks about the exam in line is academically incompetent?" asked one student. Associate Dean Edward Potts insisted, "the professor conducted all the necessary and proper procedures." However, Potts conceded that a different interpretation was possible under G.W.'s Guide to Student Rights and Responsibilities.

The Guide's introductory clause of the section on University Policy on Academic Dishonesty states that a faculty member is to decide whether a student's noncompliance is academic dishonesty or incompetence. Any finding of incompetency is to be dealt with in the "normal evaluative manner," which is the blind grading of examinations. But students point out that, since there was no finding of cheating, deducting points off of a grade for talking in line is a harsh interpretation of incompetence.

Germain, who served for six years as chairman and hearing officer of the appeals board at the University of Kentucky, said he reached a finding of "not guilty," but instead of dropping the charges completely for one of the students, he reverted back to what appeared to be the threshold decision and found the student "incompetent." The Guide indicates that, if the faculty member finds that the student is not guilty, then "charges shall be dropped."

A student accused of cheating in which the charges are verified may go before the Scholarship Committee and present their case. SBA President Jonathan Welch has been lobbying to have greater student input on the Committee, which rarely meets. A year ago, Welch petitioned the Committee to consider allowing students to vote on such issues as grade appeals and accusations of cheating. This week, the Committee will finally meet to consider the request.

Potts said there is a problem with how one defines and perceives an act of dishonesty. He said that, in his opinion, writing several minutes after time has expired on an exam is an act of dishonesty. On the other hand, talking in line after the exam depends on the "state of mind" of the student. Potts advised that students should not talk until the blue books are turned in and the student has left the room. He also said that students that have forgotten to write any identifying information should wait until they are in the presence of a proctor before

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SBA Vetoes Party During Reading Period

On Tuesday, January 20, the SBA voted 9-6 not to allow the Program Board to hold its Spring Fling on the Quad on April 25, 1987, the first day of the reading period for spring semester exams.

The Spring Fling, an annual party sponsored by the Program Board, features free food and beer, and live music. The event is known to be quite loud, and the Task Force on Amplified Sound limits the number of such events that can be held at the university, and gives the NLC the power to o.k. events taking place on the Quad. Dean Barron has given this power of approval to the SBA.

The SBA initially voted against the event on November 18, 1986, however the Program Board requested that the SBA reconsider the decision. Jeff Goldstein, representing the Program Board before the SBA, emphasized that the music would only run from 12 p.m. to 6 p.m. and that the other Saturdays during the month of April would interfere with religious holidays and other events scheduled for the Quad.

Nonetheless, SBA members, concerned that the noise would disrupt students during their final exam preparations, decided to reject the Program Board's request.

Vice-President for Student Affairs William P. Smith stated that he would respect the SBA's decision on the matter.

The Advocate
The Student Newspaper of the
National Law Center

EDITORIALS

Honor Code?

In this issue there are articles and letters discussing the NLC's procedure for dealing with those accused of cheating. We have not identified the students that triggered this discussion, for we do not wish to stigmatize them. We are, however, most concerned with the manner in which our school addresses the issue.

We are appalled that our school has no honor code. We have spoken with many students and are shocked that more than a few believe they have no obligation to turn in cheating classmates. Obedience to principle is the heart of the law: while we as lawyers may disagree on an interpretation, once the law has been announced, we should abide by it. Ignoring a wrong as fundamental as dishonesty in the classroom destroys the very obligation to which we aspire.

We commend the student or students that, after observing what they sincerely believed was an act of dishonesty, reported the alleged offenders to their professor. After a thorough investigation, the accused students were acquitted. We encourage those students familiar with the incident, including those that wrote to us, to accept that finding. If there are uncertainties because of the procedure employed, those concerns should be focused on the administration, not those that have been acquitted.

We urge the administration and the SBA to explore the possibilities of adopting an honor code that would drive home the obligation of honesty inherent with the study and application of law.

The Absent Professor

Last semester, Professor Elyce Zenoff became seriously ill in the second week of November and had to miss the rest of the semester. Her section 13 Criminal Law students missed five consecutive days of classes before the administration found a substitute professor. Professor Jerome Kaplan became "professor for a week." (Kaplan had already substituted for a full week of classes for Zenoff's early in the semester.) Finally, Professor David Robinson taught the final two weeks of classes. Since there had been little continuity among the three professors and the teaching styles were so different, the administration decided that the fairest exam would be objective and students would be given the option to take it for a grade, or credit/no credit.

There are certain difficulties that are to be expected from a substitute professor taking over a course. There is, of course, an adjustment that both the students and the professor have to make, since professors have their own beliefs, biases, and teaching styles. This adjustment is made that much worse when the professor is placed in a position to cover material at a much faster pace and the students are expected to maintain this pace (especially in the first semester of law school).

When students such as ourselves are paying the outrageous tuition for their education, they deserve the quality that they pay for. Instead of a course in Criminal Law, section 13 students got a survey course of the criminal law professors.

Many questions are raised by the manner in which the administration acted in this situation. How is it that our administration was so indecisive? How is it that the administration has no contingency plans in case professors must take extended and unexpected leaves of absence? We hope the administration will consider what transpired in the first semester and will contemplate courses of action so that such misfortune will not happen in the future.

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Spring Semester Publication Dates

Monday, January 12
Monday, January 26
Monday, February 9
Monday, February 23
Monday, March 9
Monday, March 30
Monday, April 13

Letters to the Editor

Academic Dishonesty

To The Editor:

It appears the N.L.C. is not as serious about dealing with academic dishonesty as it would have us believe in the Bulletin. Apparently several instances of cheating were disclosed in one first year section last semester. Word has it the dishonest student simply had a few points deducted from the exam even though the paper clearly showed the reported change. We are not advocating retroactive punitive measures, only a clarification of the N.L.C.'s commitment to an efficient enforcement procedure concerning academic dishonesty.

When is the N.L.C. going to take a stand? The legal profession has chronically suffered from bad publicity resulting from ethical problems within the profession. Aren't there enough dishonest lawyers in practice without the N.L.C. condoning such behavior by simply slapping wrists. The N.L.C. must clearly enforce a stern policy to effectively deal with academic dishonesty. The N.L.C. should compare its applied policy and enforcement procedure (as opposed to the theoretical one) to the top ten law schools it aspires to emulate in order to isolate its shortcomings.

Does the N.L.C. have an honor code? No. Therefore, any student who witnesses a dishonest act must decide whether or not to report it. As a result, any student who witnesses academic dishonesty is faced with the moral dilemma of weighing the benefits and consequences of reporting the act. Even if a student is serious enough to follow the N.L.C.'s procedures for filing written charges, there is no guarantee the N.L.C. will act in a manner consistent with the policy it expounds. Obviously, such inadequate enforcement procedures discourage honest students from pursuing valid grievances. For instance, what percentage of oral reports by students are actually written up?

If the N.L.C. is seriously attempting to clean-up the legal profession, it should begin with its own house. An honor code could make cheating more difficult for students inclined to do so, and at the same time remove an obstacle from students wishing to promote honest academic behavior. Other methods to effectively deal with the situation should include more than one proctor per room, copies of the N.L.C. policy on cheating distributed prior to the exam periods, and stricter enforcement by proctors, professors, and administrators of the policy.

[names withheld on request]

cc: Dean Barron
Dean Potts

To The Editor:

I feel compelled to answer the anonymous letter addressed to you dated January 20, 1987, signed "Concerned First Year Students," criticizing the Law Center's position on academic dishonesty and asking when a stand will be taken.

First and foremost I should state most regrettably that it does not surprise me that the authors apparently did not take the time to establish the facts before they made their assertions. Even a brief discussion with me or the professor involved in the only incident that I am aware of being reported in the past examination period would have at the very least made them aware of the fact that the University Policy on Academic Dishonesty, as adopted by the Board of Trustees, clearly sets out the procedures to be followed and sanctions permitted when faculty members discover or have brought to their attention instances of apparent academic dishonesty. In the instance that I believe is alluded to the procedures prescribed were followed with great care and while one may disagree with the determination made as a judgement call by the professor, the bottom line is that many hours were spent, to my personal knowledge, considering all the facts brought forward. The faculty member reached a deliberate decision after interviewing the students and witnesses involved and examining their written statements as well as visiting the classroom in which the incident occurred. My point is simply this; the matter was not treated lightly, to the contrary it was taken very seriously. Obviously one can disagree with the conclusion reached and the sanction applied in any case but that should not be used to damn the procedures or suggest a lack of seriousness or inaction.

The letter also asks "... what percentage of oral reports by students are actually written up." The answer to that is easy and direct. Each and every one that the witness is willing to state in writing and sign is acted upon. None when a student reports what he/she heard that others had witnessed but the "others" either can't be identified or regrettably refuse to be named as a witness. A charge of academic dishonesty is very serious. Under the prescribed procedures, and on the charge form itself, you are required, as in my judgement you should be, to name the person(s) who actually saw the act take place whether it be faculty, student or member of the staff. It has been my experience, however, that witnesses are extremely reluctant to come forward, although I sincerely believe that as members of the academic community they have the affirmative obligation to do so. I find no "...moral dilemma of weighing the benefits and consequences of reporting the act." Quite the contrary. It has also been my experience that a written statement frequently is at variance, sometimes substantially, with the oral report. Therefore, I always recommend that a written statement be received before the charge is filed unless the faculty member making the charge is the witness. In the latter instance, the specific charge itself will be stated and the sanction proposed will be indicated over the faculty member's own signature on the notification addressed to the alleged violator. It would be irresponsible to make a formal charge of dishonestly based upon oral reports without a witness' statement in writing. Even if the charge is ultimately dropped serious damage will have been done to the person charged.

The integrity of the examination process is completely dependent upon the willingness of students and faculty to defend and support it. Students must be willing to stand and be counted when they observe what they believe to be a violation and faculty must be willing to go forward with charges when appropriate, otherwise, the system fails. It can be no better or stronger than the participants.

The above response is intended to be informative and constructive. I hope it is read in that sense.

Sincerely,

E. A. Potts
Associate Dean

The Inequities of Grades

by Elizabeth Macgregor

The first year grades are out. Students are now stratified into categories for the rest of their law school careers.

For some, it means the continuation of an academic career of excellence, the potential for great job offers from major law firms, and a good shot at a seat on the all-important Law Review. For others, it brings the devastation of receiving grades within a certain range for the first time in their lives and the realization that they won't begin their law careers with Awesome, Huge & Intimidating. But, as Dean Potts said on the first day of orientation, "No matter what we do, we always end up with half the class in the bottom 50%."

What I'm about to say is not meant to denigrate the members of the upper echelons or console those that didn't fare so well. That is not my point at all. I want everyone to remember this initial premise: everyone here is very talented and highly intelligent, otherwise we would not be here.

However, law school exams (normally the only method of evaluation of law school performance, particularly in the first year) are not necessarily the sole indication of an individual's intelligence, knowledge of the subject matter, ability to successfully practice law, or worth as a human being. What they do measure, rather, is an individual's capacity to regurgitate, to another person's satisfaction, a limited amount of very specific information in response to a very broad question. All this must be done in exactly three hours.

While law exam success may demonstrate such important legal techniques as good memorization skills, precise legal vocabulary, the ability to work under pressure, and an uncanny sense of what the evaluator wants to hear, there are other forms of intelligence which they do not test.

In his 1985 book "Beyond IQ," psychologist Robert J. Sternberg proposes the triarchic theory of intelligence. He describes three aspects of intelligence: componential, experiential, and contextual.

Componential intelligence is strictly academic ability, as measured by IQ tests and other tasks demanding critical thinking. Experiential intelligence, involves the use of experience in a novel situation to come up with new ideas, in other

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words, creativity. Contextual intelligence, reflects an individual's ability to adapt to a new situation: that is, the person's "street smarts." Everyone possesses all three types of intelligence in varying degrees.

Law school exams measure only a very narrow aspect of componential intelligence. What they do not demonstrate is the potential attorney's ability to work creatively in a situation or to adapt to the unwritten rules of the game. Furthermore, they do not take into account the differing contexts in which lawyers will operate.

For instance, how many real world problems require an attorney to take a fact pattern, identify the legal issues, apply "the law," analyze the application of the law to the problem, and state the conclusion for the client? Usually the legal issue has already been identified, otherwise the client would not have consulted the attorney. The rules of law in the particular area may be somewhat hazy at best and require detailed research; and, a policy-laden analysis is nice but not really very helpful.

Some real world situations demonstrate this. A counsel for a corporation will typically be called by the management and given a situation.

He will then be asked, "Can we do this? What can we do to avoid X laws? What other action may be necessary?"

The lawyer is then required to think creatively or demonstrate experience based intelligence. He or she must look at a number of possible courses of action, identify potential legal problems, and evaluate the ramifications. More important, this lawyer must come up with new ideas to avoid legal pitfalls.

Litigation provides another example. A good litigator must not only understand and be able to apply the law, but he or she must be able to do so to the satisfaction of the judge and the jury.

The litigator must package his or her client's case in a manner persuasive to these individuals. Litigation involves a multitude of tactical decisions, including what theory to proceed under, how to deal with the opponent, and whether and when to settle. Being able to understand the environment and adapting to it are the litigator's tools. This requires "street smarts."

Of course, law school exams do not measure these other qualities; there probably is no way to effectively evaluate them in the legal context.

I do want to inform you status-conscious first years that yes, it is true, grades are usually the only factor that law firms take into account in their hiring decisions perhaps for this very reason.

I've often thought that the "think-like-a-lawyer" approach to legal education, which refines one's critical thinking ability, stifled the very qualities that got me this far in my career in the first place. The first semester of law school seemed somewhat confining, with no room for one's own ideas or approach to a problem.

Thus, it can be said that law school exams do reflect the qualities that law school attempts to impart to budding lawyers. But they do not measure the other necessary qualifications: creativity and practicality. These, the student is left to develop on his or her own. And the student must develop them for success in the real world.

The Color of Money

by Sally Weinbrom

Did you ever notice that the more you don't want to do something, the harder you have to work to accomplish it? For example, paying tuition.

I have never had to work so hard to pay anyone $12,000 in my entire life. Murphy's Law of law school.

The experience started while I was still in the real world when I received a single slip of paper from GW listing figures and seemingly indicating desire for payment. As I recall, I showed up at registration with no idea of how I was supposed to pay for law school.

I assumed the loans I had been approved for the preceeding May would be there. They were not but GW graciously accepted the $200.00 in cash I had on hand (the only cash I had on hand).

Some one wrote "paid" on the form explaining with a very serious face that I should keep the signature for my records. Fine, and I write checks on napkins.

Anyway, as the semsester progressed, the challenge of keeping tabs on three different loans wore me to a frazzle as did the entire GW loan procedures. Here are some observations on how to:

1) Receive loan checks and pay tuition

2) Respond to problems (or not to respond)

3) Encounter completely unique situation and react responsibly

1) If you are receiving a Graduate Student Loan (GSL) for the first time in the semester and you owe the university full tuition, make sure that when they send you your pink notification slip that you sign for your check immediately.

This will probably involve a mad dash to Rice Hall where a vacant faced clerk will take your ID and find your check in a cardboard box off to the side that looks like a shoe box ("I'ts got to be here somewhere"). It is important to pick up the check during the semester since they can't release the check between semesters (Why? Because).

Now, if you are a first year encountering your first set of law school exams, take heart. Complete confusion over Dean Barron's letter at the beginning of reading week mentioning things about spring semester, (SPRING SEMESTER!!! I'M TAKING FINALS!!!) is expected. The advice of the law school financial aid office is to make a choice in priorities--study for exams or take care of you paper work before examinations are complete. This generally involves long waits in line before exams are over or delaying your drunken stupor directly after exams are over. Priorities are important.

Now here is the exact process.

Loan checks are forwarded from your bank to the law school where the law school credits receipt of the check and forwards it to student accounts who has the authority to release the check and apply it to your account which you can only pay after picking up your bill from the law school which doesn't forward the bill to the student accounts office or make more than notice record on a computer (SIGH). This is what I surmise from experience, not documentation.

2) Very Rarely, but to those who experience it, all too often, the money gets lost somewhere in the transaction.

Don't worry.

If you are late in paying tuition, the University will allow you ten grace days (less six days spent in transit of the late payment notice. That makes four days boys and girls.

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Anecdotes from History

by Peter Most

Once and for all the truth must be told, and this forum is as suitable as any for the telling to be done: All of history is made up of gossip and trivia, and historians are nothing more than intellectual Rona Barrets (if you'll pardon the contradiction in terms). It was far from easy for me to break this code of silence, but the time had come. This burden of truth, heavy upon me, needed to be expunged.

Don't get me wrong--I love history. It was my major in college, which is kind of like spending four years preparing yourself for a cocktail party. Armed with an arsenal of historical puns, stories, and witticisms I feel I can now face any table of hors d'oeuvres and receiving line without fear of silence, or indigestion, for that matter.

For instance, if politics should come up, I can reach into my historical bag of wits and come up with anecdotes about Winston Churchill and old Abe Lincoln. Churchill, for

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those of you who don't know and actually care, had a nemesis in Lady Nancy Astor.

"Winston, if I were married to you," the good Lady told Churchill, "I'd put poison in your coffee." Churchill, always one with a sharp tongue, duly replied, "And if you were my wife, I'd drink it." And there's more. Lady Astor, as lore goes, approached the Prime Minister at a party and said, "Mr. Churchill, you are drunk." "And you, Madam," replied Churchill, "are ugly. But at least I shall be sober in the morning." And who can forget the note Winston received in the mail from George Bernard Shaw inviting him to the opening of "Saint Joan." "Here are two tickets, one for yourself and one for a friend--if you have one." The note Churchill sent back expressed his regret and being unable to attend the first night's performance, but asked if it would be possible to have tickets for the second night--"if there is one."

Many people still don't know that Lincoln wrote the Gettysburg Address on the back of an envelope on the way to the battlefield. Actually, historians still debate the question, but I guess Lincoln just thought an envelope was an obvious place to write an address. Even fewer people know that he had a rather poor sex life. Yea, it seems he only had four scores in seven years. Even more remarkable is that Lincoln, our first Republican president, once astutely commented, "What is conservatism? Is it not adherence to the old and tried, against the new and untried?"

Do you know why custom dictates that one should not button the bottom button on a vest? Well, it has to do with the reign of Queen Victoria, who sat on the throne of England for sixty-four years. During Vicky's reign her son and future king, Edward VII, had very little to do but eat. So he ate. By the time Edward ascended to the throne at the ripe old age of fifty-nine his rotundity was unable to clasp the button on any of his vests. The English Court, so as not to bother him, followed suit (if you'll pardon the pun). Furthermore, Edward's wife had a lame leg, and walked awkwardly at best. Thankfully,

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Law in The Last Frontier

by Elizabeth MacGregor

On Monday, January 12, Jack O'Brien, General Counsel for the National Aeronautics and Space Administration, addressed NLC students as part of the Career Sampler Series. O'Brien discussed careers in space law during the informal lunch discussion.

O'Brien explained that NASA, employing 21,000 civil servants and thousands of contractors, is involved in aeronautics as well as space exploration. In addition to it's Washington office, NASA has nine field centers. The Administration employs eighty-five attorneys, with twenty-three in D.C. and the rest scattered among the field centers.

The various functions of the NASA legal staff are reflected in the divisions of the legal department. There are three areas of specialty: Contract, Intellectual Property and General Law. Each area has an associate general counsel as well as several staff attorneys.

The contract attorneys handle procurement; the formation of contracts for joint endeavors; launch service agreements with users; and many other types of agreements. The intellectual property attorneys are responsible for the patenting and copyrighting of NASA technology. O'Brien stated that often the agency finds itself in the uncomfortable position of desiring to patent its latest technological breakthroughs while simultaneously being required under its enabling act to make its technological advances available to the general public.

The general law department at NASA handles many of the same things that a legal department in any large institution would. They propose legislation, deal with fiscal law issues, personnel problems, environmental concerns and matters of international law.

NASA litigation is not centralized; instead, such needs are met attorneys in each of the specialized areas. The agency usually has about two hundred cases pending at any given time. The agency is also involved in a great deal of administrative litigation, involving topics such as employee rights.

According to O'Brien, there is little turnover in the office, and since Gramm-Rudman they have been unable to get funding for their three summer law clerks. However, he emphasized that they are very interested in setting up unpaid internships for credit, either for the summer or during the semester.

O'Brien also discussed recent developments at NASA in the areas of international space law and third party liability. He also discussed the legal ramifications of the Challenger accident and ensuing suits.

A graduate of Niagara University and Georgetown Law School, O'Brien served in the Navy General Counsel's office for five years before joining NASA in 1962. He became General Counsel in 1985.

Seminar Focuses on Judicial Clerkships

by Celia Ockey

Now is the time for second years interested in judicial clerkships after graduation to begin the application process, according to Dean Jenkins. Jenkins, speaking at the Judicial Clerkship Seminar, said that deadlines for some judges are as early as this February. Students should begin checking judges' deadlines to allow themselves adequate time for the application process.

Jenkins said clerkships are available in both federal and state courts. Generally, the higher the court, the greater the focus on qualifications. Judges for the U.S. Court of Appeals seek individuals with impressive academic credentials, including law review or journal experience and placement in the upper 25% of the class. Credentials for the District Courts are generally not as stringent; however, judges with national reputations focus on the same type of individual that would qualify for a Court of Appeals clerkship. Jenkins also said that students need not concern themselves in applying to the Supreme Court, for Supreme Court clerks generally clerk first for a federal trial or appellate court.

Clerkships are also available on the state level. They usually do not carry the same prestige as federal court clerkships, but Jenkins said, "There is no such thing as a bad clerkship in terms of putting it on a resume. There are just varying degrees of good."

Students should also consider their area of interest when applying to the various courts. Those aspiring to be litigators would gain optimal experience in a trial court where they would not be inundated with opinion and research writing, a major aspect of an appellate court clerkship.

The CDO offers a variety of resources to assist in the application process. Almanacs and directories are available containing biographical information on the federal judges. Students should research this information before applying.

An application package and program guideline will soon be available in the CDO. Application to a judge will consist of a cover letter, resume, writing sample, three letters of recommendation, and a transcript. Jenkins emphasized that students interested in pursuing a judicial clerkship should talk with him or with Jeanette Shady of the CDO.

History (cont'd)

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the custom never caught on.

Historians, as is their want, will explain the derivation of the term "cold shoulder" while spreading pate at a cocktail party. It appears that in medieval times it was customary to give shelter and food to all travelers that should wander up to your house at night. To let the uninvited guests know that they weren't exactly welcome it was customary to give the weary traveler the cold shoulder of beef, and the term has stuck ever since.

The military has provided a few gems for your consideration. General Joseph Hooker, a Union general during the Civil War, commanded a regiment fighting its way through the South. During his journey, women of ill-repute began following his regiment, because they were safe and business was real good. So now when you hear a person referred to as a "hooker" you'll know why. General Ambrose Everett Burnside, in the same war and on the same side, had very bushy whiskers, which his troops made jest of. They called his whiskers "side burns" and the name has stuck ever since. While we are discussing generals, I have to tell you my favorite quote by a U.S. general. General John Michaelis, before sending his troops off to fight in Korea, told them, "You're not here to die for your country. You're here to make those bastards die for theirs."

Just a few parting thoughts. The lesson of history, I'm convinced, is that nobody studies history so as not to repeat its mistakes. But then again, not everybody studies history to learn gossip and trivia, either. There are, certainly, more bits of gossip and lessons of history to be divulged, but I'm not telling. But who knows, we may meet sometime at a cocktail party . . .

Equal Justice at GW?

by Lou Manuta

Remember when schools had clubs that were worth joining, not only because of what they stood for, but because they provided a fun diversion from the workaday? I'm sure you believed good ole G.W. had forgotten this vital component of a student's life. You made it to law school, but you believe there's more to learn in the law than practicing corporate law. Well, my colleagues, there is a warm respite in the reams of source material at the National Law Center. Have you ever heard of the Equal Justice Foundation? Name too long? Just say "E.J.F."

E.J.F. was founded at G.W. by Ralph Nader as an anchor organization for all law schools who were concerned with promoting the growth of public interest law while offering students the opportunity to gain valuable legal experience in the public interest field.

Many students may feel that they believe in the value of the public interest, but don't foresee themselves working in it as a career. Don't fret. We realize the economic realities of graduating from a big time law school. Your heart and your student loan aren't on speaking terms. Believe me, you're not alone. But by just taking part in E.J.F.'s activities and seeing all that is to be done, your heart may win out.

For instance, come on down to our first general membership meeting of the semester on January 27th at 4 pm in B-305. Here's a preview of some of the events that you just may be interested in:

Beginning February 9th, we'll be selling tickets in the lobby for our Raffle for Equal Justice. We'll be offering prizes ranging from lunch with Dean Barron to a free BarBri bar review course. Watch this space as more prizes to raffle away come in, culminating with the big day for all you winners on February 24th.

E.J.F. will also be continuing with the Brown Bag Lunches and Discussion Series. Topics for the semester will include: the new smoking laws, AIDS legislation, alternatives to full-time employment with a firm, pro bono work, the sanctuary movement and our point-counterpoint series in which both sides of controversial issues are explored.

So, as you struggle over your tax legislation, rights to chattel, or dividing a contested estate, remember there is an oasis to the harsh near-reality of law school. E.J.F. is the alternative for all of us who still believe in the Rule of Nines, the Golden Rule, and the Rule that a group of budding lawyers can have fun even with their wingtips on.

Money (cont'd)

From Page 3

Can you say Four?). If the money still doesn't turn up (ie. your borrowing authority hasn't released the funds because "no one got around to it") the University will charge you a late fee for not having the money to pay tuition ..... I suppose it accrues.

If in some way the univerisity has made a mistake, they will help you, eventually, but only after haranguing you into believing you made the mistake yourself. This unpleasantness can be avoided by your presentment of the hand written acknowledgement you may have received earlier or very good check book records indicating that Yes you did not receive the loan check and Yes the university did lose it.

Fortunately, since the University does not mail anything or seemingly have access to a computer which can absolutely keep track of deposits and payments they are always right.

See? easy.

Now that you have your GSL, your schedule, and bill from the law school, you can hand the check back to the student's account office plus $400.00 since it would be difficult for the first deferred payment to equal the standard GSL grant. Now relax until the rest of the bills become due and the bank becomes recalcitrant.

3) Of course, all of the above mentioned procedures only apply when you owe the university. It is entirely possible, when financing one's entire tuition through loans, to have some loans coming in giving you a credit. (Gasp! Credit?)

There is a completely different format at this point. If one has some money due the university than they will allow you to sign the check after you fill out some white papers with the University financial aid office and apply the remainder to your account while they MAIL the rest (Huzzah).

However, if you do not owe them money, than you have to take the white form from the students accounts office to students receipts office to GW financial aid office and back to students accounts office so that they can hold your check for a day and you can pick it up within twenty-four hours during business hours. They WILL NOT mail it.

Perhaps the most gauling aspect of the system is the inability to get even. I am afraid that I lost my temper with quite a few people since I got a constant stream of minsinformation (or was it disinformation)-- "I don't know" or "why don't you wait until somebody comes back that does know".

To all you poor victims of my tantrums, I realize it is not you but the system. However, a little sympathy would have been helpful.

The only faint consulation in a system like this is that it may confuse itself.

When you least expect it, if anything could possibly go right, it might.

How GWUSA Affects the Law School

by Bill Koch

SBA elections will be held on the 11th of February. And everyone knows (or should know) all that SBA does for the law school. GWUSA elections will be held on the 24th and 25th of February. And hardly anyone knows what GWUSA is capable of doing for the law school.

GWUSA, the George Washington University Student Association, may appear to be far away from the interests and concerns of the law student, but it is not simply an undergraduate forum. The decisions of the Student Association have the potential to be far reaching; affecting all GW students, including ourselves.

The structure of the Student Association permits participation by students in numerous University affairs. There are elected, as well as appointed, positions available to all full-time GW students. Topics ranging from student organization funding and student parking to tuition increases and divestment from South Africa could properly be addressed by GWUSA.

Being responsible for a total of over $200,000, both the executive and legislative branches of GWUSA have an important duty of allocation to perform. The SBA received approximately $4,300 from the Senate Finance Committee, all of which was forwarded to the many student groups in the law school. This Committee had approximately $45,000 - $50,000 to allocate to all the University's student groups.

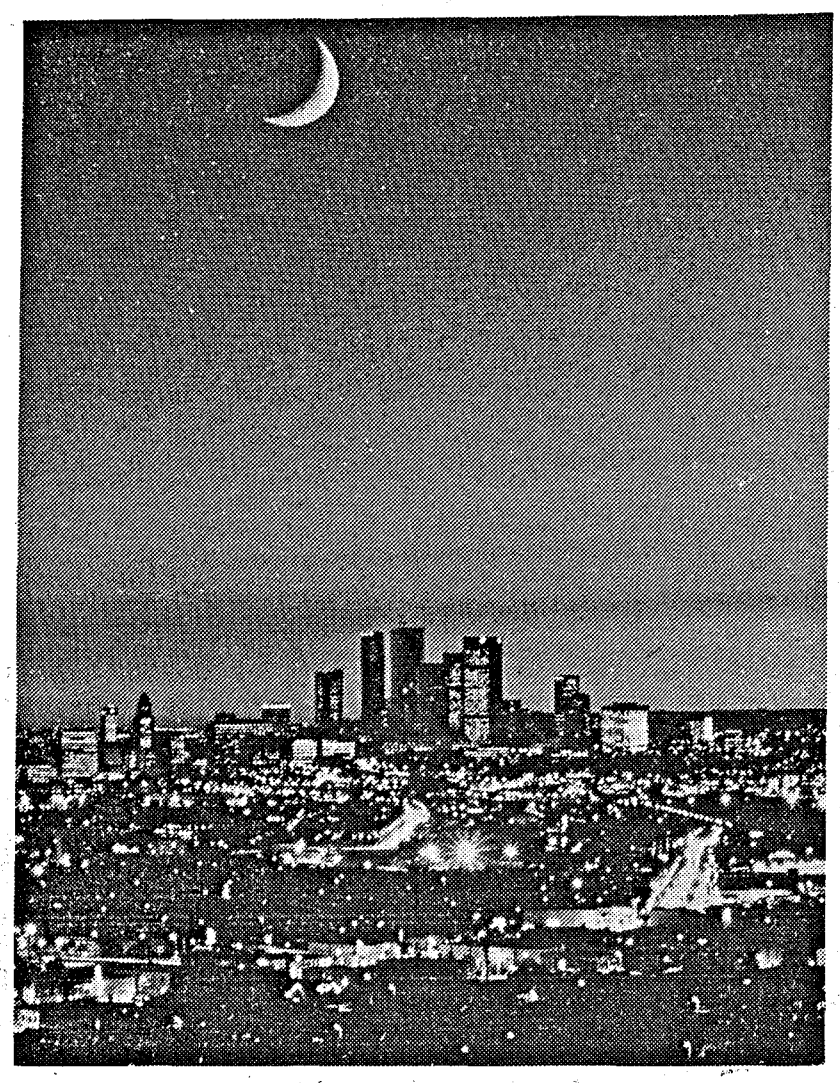
Speaking of money, GWUSA can also play an active role in the determination of future tuition increases. The Board of Trustees recently approved an 8% increase for the law school. This action came only after a number of hearings were held involving both GWUSA and the Administration of the University. While the SBA did become active in the debate over the tuition increase, this involvement came a little too late. And the increase was approved with less than full-and-open student input. The same held true for the undergraduate increase of 9.3%. With greater student input, and perhaps a more long-ranged investigation of the tuition problem, the Student Association could better present alternatives to the Board of Trustees.

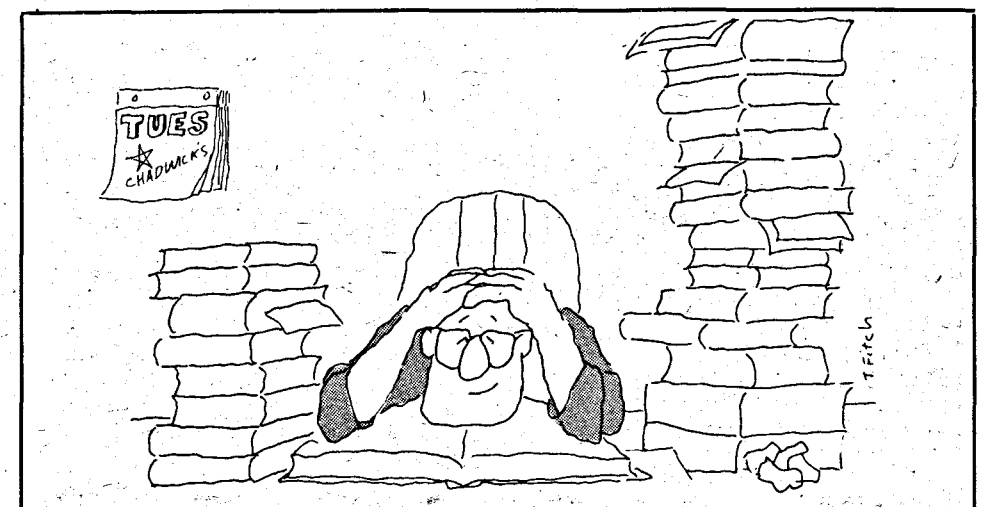
And political issues such as divestment and student aid cuts also call for greater involvement by a wider spectrum of the University community. GW students, on both the graduate and undergraduate levels, need to work together as a united student body rather than compete against one another as opposing camps. We can each learn from the other, and take advantage of the unique attributes of both. We as law students can provide a somewhat different perspective than the undergrads and other professional and graduate students in the University. Ideally, the Student Association is organized in such a manner as to take advantage of these differences.

It's there to work for us, but we need to make our views and priorities known to GWUSA. The SBA has constantly strived to improve working relations between the law school and the rest of the University. Much of this action has been concentrated toward GWUSA. This cooperation has led to a greater appreciation and respect for the responsibilities and duties of each organization.

But ties need not, and must not, stop there. Working through the positions of Law School Senators, the Graduate At-Large Senator, and other University-wide elected and appointed positions, we as a school can have a positive impact on the future of the University in general, and the law school in particular. Together, we can help determine the future of the University.

Editor's Note: Anyone interested in running for a position on GWUSA should contact the SBA and read the January 22nd issue of the G.W. Hatchet.





Nietzsche was right. (See Page 7, Col. 3)

Academic Dishonesty (cont'd)

From Page 1

writing anything.

Other students point to the proctors as partially responsible for problems. "They're worse than useless," said one. "Why even have proctors if all they do is act as file clerks?"

Potts conceded that proctors were afraid to confront students, and saw the problem as a need for professors to be physically present during exams. "Proctors often do not enforce the stop writing policy when time is up. They are occupied with checking in blue books and do not have the control a professor would have if he or she were present," he said.

Potts said that academic dishonesty is a "serious problem" at the NLC, but is a problem that very rarely is acted upon. Potts said that in his 35 years at the NLC, only three students have maintained charges of academic dishonesty. This inaction, Potts said, is due to the "unwillingness of students to come out and make a written statement."

Many students believe the presence of an honor code at the NLC would be a solution to this cheating problem. Students would feel a greater responsibility to be honest in their exam if they were to sign some type of code of honor before beginning an exam, a procedure cammon to many law schools, including the University of Virginia and Georgetown. An honor code would also place responsibility on students to report any acts of cheating they might witness. Until a code is adopted, though, Potts reminded students that "having no honor code doesn't excuse failure to report acts of academic dishonesty."

Next Issue: Special Section on SBA Elections

The next issue of the **Advocate** will contain a special section focusing on the candidates in the upcoming SBA elections. Candidates will be asked to fill out a questionnaire stating their platform and responses to questions on important issues.

Anyone wishing to run for office may do so by signing up with the SBA. The positions available are: President, Day Vice President, Night Vice President, and respresentative. In the day division, there are four rising second year respresentives and four rising third year representatives. For the night division, there is one respresentative each in the rising second, third, and fourth year classes.

The election schedule is as follows:

January 30-Feb 3:
Sign up and pick up rules in SBA office

Feb 4:
Advocate statements due

Feb 4-10:
Campaigning

Feb 9:
Advocate election issue

Feb 11:
Election in first floor lounge 7 p.m. -- results announced at 21st Amendment

The SBA election committee members are Annie McCormick, Sue MacLeod, and Trent Copeland.

CLASSIFIED

Free Classified to NLC Students! Drop off your submissions at B-303B anytime. Samples for Dr. Fugger must be maled to him directly.

Healthy males wanted as semen donors: help infertile couples. Confidentiality insured. Excellent compensation. Contact Dr. Fugger at Genetics & IVF Institute, Fairfax, VA. 698-7355.

Typing by Legal Secretary: Have your typing done by a professional, quickly and accurately, on an IBM-III for $1.75 a page. I'm located three blocks from campus. Call 780-1688, 248-4360 or 960-6851.

I will not be responsible for debts incurred by anyone other than myself.

Will Bill Koch run for GWUSA? Stay tuned for a future interest.

For Sale: Good used endtables and loveseat. If you could write this ad, call 745-0836. I want to buy. If handsome, non-dweeby SWM, I might try out the seat with you.

Pick up your books and money from the SBA book sale before Friday or all you assets will be lost! (Query: if the SBA is presently a bailee, does it hold a future interest in unclaimed books? If so, is it a springing executory interest or a shifting executory interest? If taken after twenty-one years, will it be voided by the rule against perpetuities? Whose life is the measuring life? Is the life in being at this time? Does the Rule is Shelly's Case implicated? Does anyone really care?)

Fred: I told you the Broncos would win. Love, Sheila.

Wanted: Tall blond SWF wanted for sensual discussions of 12(b)(6) motions. Call 293-4678 tonight!

Don't bother reading, knowledge is in the air.
— Nietzsche

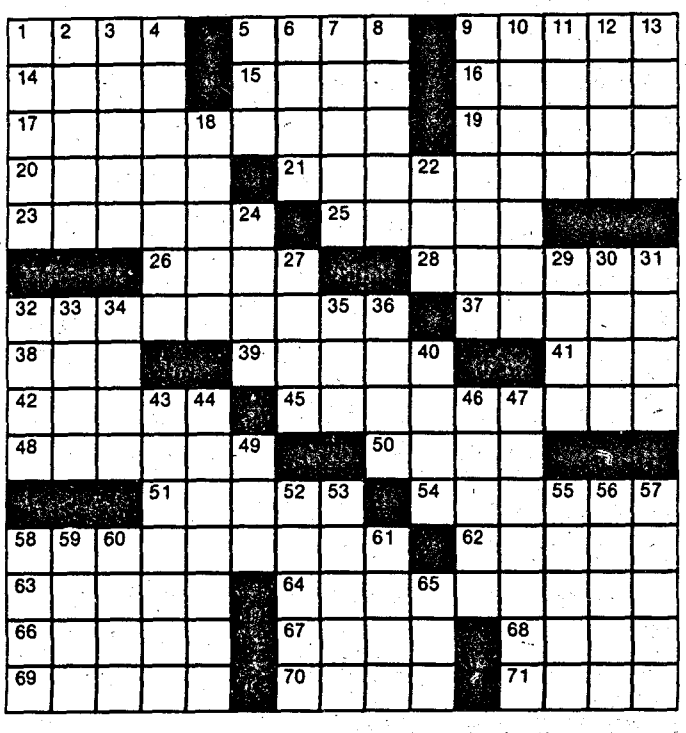
Seeking to eliminate all possible methods of unauthorized entry into the library, the library staff repaired the south elevator, making it impossible to open the doors on the second floor by simultaneously pushing the "open" and "Close" buttons. Cynics observed that, since the elevator had been broken ever since it was installed, the repair was not due to student complaints. Instead, these things seem only to cause further inconvenience.

Meanwhile, if there was a fire on the third floor, we'd all be dead. You still can't open the emergency exit. But who are we to put sanity in front of inconvenience?

TODAY'S CROSSWORD PUZZLE

ACROSS
1 Maple
5 — opera
9 Burn
14 Virile
15 Quechuan Indian
16 Drum
17 Image worshipers
19 Habituate
20 Reject
21 Fell back
23 Regular
25 Oozes
26 Dioceses
28 Abates
32 Puts up with
37 Shellfish
38 Arab robe
39 Fast
41 Judah king
42 Furniture handler
45 Two-sided
48 Undressed: sl.
50 Catch
51 Food
54 Probations
58 Conciliators
62 Fruit jelly
63 Essence
64 Put back
66 Cream
67 "Woe — —!"
68 Garnishment
69 — — a hatter
70 Behold
71 If not

DOWN
1 Arab VIPs
2 Middy
3 Skip out
4 Free
5 Squat
6 Individual
7 Tract units
8 Glue
9 Increase slant
10 Card game
11 Conjoin
12 Learning
13 Slave — Scott
18 Tree
22 Electric unit
24 Time period
27 Pierce
29 Mark
30 Bear genus
31 Resound
32 Pack
33 Instrument
34 Absterge
35 Over: pref.
36 Alluvium
40 Scoot
43 Peach type
44 Reappraises
46 "— Bulba"
47 Billet doux
49 — Moines
52 Lofty home
53 Attire
55 "... — — of water"
56 Rocks: suff.
57 Tableau
58 Attention-getter
59 Chinese wax
60 Discharged
61 Idiot
65 Napoleonic marshal



GRADE DUE DATES

Due to an error in the Records Office, many of the grade due dates printed in our last issue were incorrect. The Record office has released a revised list of grade due dates, which is printed below. The dates specify when professors should have turned in their grades to the records office, which posts them 24-48 hours later.

January 5th
Barnes
Blake
Bruner
Chandler, T.
Cohen, L.
Courtless
Cripe
Flyer/Sirulnik
Fruchterman
Fruscello
Gourevitch
Havens
Henchey
Hirsh
Hollis
Hopkins
Hsia
Kirby/McBride
Korb
Levine
Lieber, Cohen, Berger
allison
larkey
McCoy
Michael
Osborne/Witlen
Ridder
Singer/Lewis
Smiley/Lauber
Swails
Tilner
Tobias
White
Woodman
January 6
Hoptman
January 9
Schwartz, J.
January 13
Schwartz, T.
January 14
Chandler, J.
Gordon
Seidelson
January 15
Kayton
Taubman
Sharpe
January 16
Lee
Trangsrud
Weston
January 20
Banzhaf
Craver
Hedeman
Highsmith
Morris
Ramundo
Sirulnik
January 23
Block
Stout
January 26
Barron
Brown
Caplan
Cibinic
Jenkins
Park
Potts
Reitze
Steinhardt
January 27
Nash
Wilmarth
February 2
Starrs
Zubrow
February 3
Pock
February 4
Green
Soloman
February 5
Robinson
Schiller
February 6
Zenoff
February 9
Rothschild
February 18
Clark

LATE!

As of Saturday, January 24, the following professors have not turned in their grades to the record office:

Chandler, J.
Hedeman
Lee
Melson
Nolan
Sharpe
Sirulnik
Smiley/Lauber
Tilner
Weston

Writers Needed

The Advocate is in need of writers. You needn't have had past experience writing for a publication. Please fill out the form below and drop it at the Advocate office.

Name _____

Phone _____

Area of Interest _____

_____

_____

Why Exactly Did You Enroll In Law School?

by Jonathan Greschler

We asked some people why they enrolled in law school. These are some of the more publishable responses we received:

1. Greed, no don't print that, say "The ability to help others"
2. To make up for the studying I could have done during fourteen years of schooling in a single stupefying three credit class
3. To avoid the draft (its taken awhile to graduate)
4. I have always admired John Dean
5. Ever since I could drive I have had this compulsion to follow ambulances
6. Giving the choice of suing incompetent medical personnel for malpractice or being sued as a persecuted, but highly trained and experienced physician for malpractice....
7. To bring respect and admiration to the greatly misunderstood expression "shyster"
8. Money from misery, now that is capitalism
9. Law school? I thought this was hell
10. My grandfather was an I.R.S. agent and my father is a proctologist. I am following in the family tradition
11. Though crime doesn't pay, a criminal defense does
12. The Peace Corps rejected me
13. Obviously, for the sun and fun
14. As soon as I read the job description, I knew that I was born to be a public defender
15. To perfect my paternity suit against Perry Mason

Send your answers to Jon, care of the Advocate. We reserve the right to edit out anything resembling humor.